

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 24, 1966

Appeal No. 8858 Moral Re-Armament, Inc., appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Arthur P. Davis dissenting, the following Order was entered at the meeting of the Board on August 31, 1966.

EFFECTIVE DATE OF ORDER -- Dec. 16, 1966

ORDERED:

That the appeal for a variance from the use provisions of the R-1-B District to permit a non-profit organization at 2419 Massachusetts Avenue, NW., lots 16-25 inclusive, square 2506, be denied.

FINDINGS OF FACT:

(1) The property involved in this appeal consists of level and zoned R-1-B and improved with a large dwelling designed and, for many years, used as a single-family residence.

(2) At the time of the death of the last owners, who occupied the property as a single-family residence, ownership was transferred by will to Moral-Rearmament, Inc. (MRA) which has occupied it since January, 1965.

(3) MRA is a "non-profit organization whose corporate purposes are entirely religious study, training missionaries, and eleemosynary and educational activity." Such an organization may use and occupy property in the R-1-B District if granted an exception by the Board of Zoning Adjustment. However, this case was filed and argued as a request for a variance.

(4) There is nothing in the record to support a finding of fact that the property cannot be used for its zoned purpose, or that any unsuccessful attempt was ever made to establish single-family occupancy.

(5) Owners and occupants of neighboring property have testified that use of MRA has involved noise late at night, traffic congestion and the like. Opposition to the granting of the appeal has been registered by citizens associations, individuals and the like.

OPINION:

There is nothing in the record of this case which would justify the Board in finding as a matter of fact that this property cannot be used for its zoned purpose without a hardship to the owner, and the appeal for a variance must therefore be denied on that ground alone. In addition, uncontradicted testimony to the effect that the present use of the property by Moral-Rearmament, Inc. has constituted a nuisance in the restricted residential area where the property is located, constitutes an additional ground for the conclusion that a variance cannot be granted.

The appeal must therefore be denied.